

# Order

**Michigan Supreme Court  
Lansing, Michigan**

April 25, 2011

Robert P. Young, Jr.,  
Chief Justice

142435

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

DOUGLAS LATHAM,  
Plaintiff-Appellee,

v

SC: 142435  
COA: 290268  
Oakland CC: 2004-059653-NO

BARTON MALOW COMPANY,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the December 7, 2010 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court prior to the completion of the proceedings ordered by the Court of Appeals. We note that the Court of Appeals decision places no limits on the trial court's discretion to allow the parties to conduct further discovery and/or file renewed motions for summary disposition, if appropriate.



t0418

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 25, 2011

*Corbin R. Davis*

Clerk